

9-2-08

IFW

Docket No.: MASIMO.353A

Customer No.: 20,995

AMENDMENT / RESPONSE TRANSMITTAL

Appl. No. : 10/679,963
Applicants : Gene Mason et al.
Filed : October 6, 2003
TC/A.U. : 3736
Examiner : Matthew J. Kremer

Title : **OPTICAL PROBE
INCLUDING
PREDETERMINED
EMISSION
WAVELENGTH
BASED ON PATIENT TYPE**

Docket No. : MASIMO.353A
Cust. No. : 20,995

Confirmation No. : 3580

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and are addressed to: Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on

September 1, 2004

(Date)

John M. Grover, Reg. No. 42,610

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

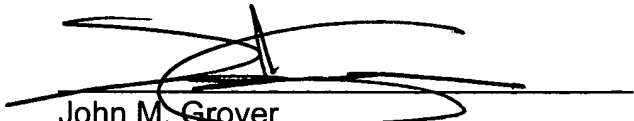
Transmitted herewith for filing in the above-identified application are the following enclosures:

- (X) an Amendment and Response to Office Action dated June 2, 2004 in 10 pages;
- (X) an Appendix including Replacement Drawing Sheets in 3 pages; and
- (X) a return prepaid postcard.

The fee has been calculated as shown below:

FEE CALCULATION				
FEE TYPE		FEE CODE	CALCULATION	TOTAL
Total Claims	13 - 20 = 0	1202 (\$18)	0 x 18 =	\$0
Independent Claims	2 - 3 = 0	1201 (\$86)	0 x 86 =	\$0
Multiple Claim		1203 (\$290)		\$0
			TOTAL FEE DUE	\$0

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.


John M. Grover
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Attorney of Record
Customer No. 20,995
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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John M. Grover, Reg. No. 42610

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450

APPENDIX

**ACCOMPANYING THE AMENDMENT AND RESPONSE TO
OFFICE ACTION DATED JUNE 2, 2004**

The present Appendix includes replacement drawing sheets 1/3 and 2/3 showing Figures 1-3.

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Attorney Docket No. : MASIMO.353A

Applicants : Gene Mason et al.

For : OPTICAL PROBE INCLUDING
PREDETERMINED EMISSION
WAVELENGTH BASED ON PATIENT
TYPE

Attorney : John M. Grover

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Date of Deposit : September 1, 2004

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June 2, 2004; Appendix including Replacement Drawing Sheets; Return
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